



#14
5/6/04
EV410136162US

Certificate Of Mailing By "Express Mail"

I hereby certify that this correspondence and its attachments are being deposited with the U.S. Postal Service "EXPRESS MAIL Post Office To Addressee" service under 37 C.F.R. §1.10, Mailing Label Certificate No. EV410136162US, on April 19, 2004, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

By: Thomas L. Evans
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005156.00012

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Timothy Joel BROWN

U.S. Pat. App. No.: 09/625,991

Filed: July 26, 2002

RECEIVED Examiner: H. Mahmoudi
APR 23 2004 Group Art Unit: 2175
Technology Center 2100

For: A SYSTEM FOR USING A FLOATING PALLET FOR A DIGITAL ASSET
MANAGEMENT SYSTEM IN A PLURALITY OF DIFFERENT APPLICATIONS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450,
Alexandria, Virginia 22313-1450

Sir:

Applicants respectfully ask for reconsideration of both this application and the Office Action of November 17, 2003. A response to this Office Action was due February 17, 2004. Accordingly, Applicants are concurrently filing a Petition for two month extension of time, together with authorization for the Commissioner to charge the associated small entity Petition fee of \$210 to Deposit Account No. 19-0733. Please consider this Request as timely filed. Moreover, if the Commissioner deems that any additional fees are necessary for the entry and

consideration of this Amendment, including any fees under 37 C.F.R. §1.16 and §1.17, the Commissioner is authorized to charge such fees to the deposit account of the undersigned, Deposit Account No. 19-0733.

A Request For Continued Examination also is being concurrently filed with this Request, together with authorization for the Commissioner to charge the associated small entity Request fee of \$385 to Deposit Account No. 19-0733. Accordingly, Applicants respectfully ask for entry and consideration of this Request.

In the Office Action of November 17, 2003, claims 1 and 2 were rejected under 35 U.S.C. §103 over U.S. Patent No. 6,167,395 to Beck et al. in view of U.S. Patent No. 5,918,228 to Rich et al., and in further view of U.S. Patent 5,915,250 to Jain et al. Applicants again respectfully traverse this rejection, and courteously urge its reconsideration.

Claims 1 and 2 recite the creation of “a single extension plug in to interface with API’s of all of [a] plurality of different applications.” These claims also recite the creation of a “floating pallet for [a] digital asset management system in one of [a] plurality of different applications wherein the floating pallet uses the properties and behaviors of a selected application...” Applicants again respectfully submit that these features are not taught or suggested by any combination of the Beck et al. patent, the Rich et al. patent and the Jain et al. patent.

For example, Applicants urge that the Rich et al. patent does not teach or suggest “creating a single extension plug in to interface with API’s of all of the plurality of different applications” as asserted by the Examiner. (See Office Action, page 3, lines 8-10.)

In making this assertion, the Examiner referred to column 4, lines 34-48 of the Rich et al.

patent. This portion of the Rich et al. patent states:

Thus, the Web server 18 includes a known set of server application functions (SAFs) 28. These functions take the client's request and other configuration data of the server as input and return a response to the server as output. Referring back to FIG. 1, the Web server 18 also includes an Application Programming Interface (API) 26 that provides extensions to enable application developers to extend and/or customize the core functionality thereof (namely, the SAFs) through *software programs* commonly referred to as "*plug-ins*." The present invention makes use of the server API 26 to provide for a plug-in SAF 25 that, together with a session manager process 27, facilitates special forms of authorization translation (AuthTran) and path checking (PathCheck) to enable Web access to documents on a distributed file system 50. (*Emphasis added.*)

This, the Rich et al. patent teaches the use of a single API 26 that can interface with several plug-ins, not a single plug in that may interface with a plurality of API's of different applications, as proposed by the Examiner. Applicants also point out that the multiple server application functions (SAF) 28 referred to in lines 34-35 are not the same as the plug-in SAF 25. Nothing in this portion of the Rich et al. patent (or in the remainder of the Rich et al. patent) would teach or suggest that the single plug-in SAF 25 can interface with the application programming interfaces of multiple different software applications as asserted by the Examiner.

Instead, the Rich et al. patent teaches only that the plug-in SAF 25 enables a client machine to access, browse and retrieve files in a distributed file system. Applicants also point out that teaching accessing, browsing and retrieving files is different than teaching the subsequent manipulation of those files in their native applications. Further, the Rich et al. patent does not teach or suggest that the accessed files are actually employed by a plurality of different native applications.

Accordingly, Applicants submit that the Rich et al. patent does not actually teach or

suggest the features asserted by the Examiner. Similarly, the Beck et al. patent does not teach or suggest a floating window as asserted by the Examiner. In rejecting claims 1 and 2, the Examiner also alleged that the recited term “floating pallet” reads upon the “pop-up editing window” described in the Beck et al. patent at column 27, lines 36-40.¹ As previously argued, the “pop-up editing window” of the Beck et al. does not teach or suggest a floating pallet as recited in the claim. However, there is nothing in the Beck et al. patent to teach or suggest that the “pop-up window” uses the properties of a selected application among a plurality of different applications, as recited in claim 1. Applicants respectfully submit that the Jain et al. patent does not remedy the omissions of the Rich et al. and Beck et al. patents.

Applicants therefore respectfully submit that no combination of the Beck et al. patent, the Rich et al. patent and the Jain et al. patent would teach or suggest the features of the invention recited in claims 1 and 2. It is thus respectfully again requested that the rejection of claims 1 and 2 be withdrawn.

1. The Examiner does not explain how the term “floating pallet” also reads upon the “threading software application,” of the Beck et al. patent, a completely different element from the “pop-up editing window.” The Examiner has made this inconsistent and contradictory assertion, however, to sustain the rejection of claim 2.

In view of the above remarks, Applicant respectfully submits that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in this regard is respectfully requested at the Examiner's earliest convenience.

Respectfully submitted,

BANNER & WITCOFF, LTD.

By: Thomas L. Evans
Thomas L. Evans, Reg. No. 35,805
1001 G Street, N.W., 11th Floor
Washington, D.C. 20001-4597
Telephone: (202) 508-9100
Facsimile: (202) 508-9299

April 19, 2004